

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE VIVENDI UNIVERSAL, S.A. SECURITIES  
LITIGATION

This document relates to:

07 Civ. 5742	07 Civ. 7370
07 Civ. 7775	07 Civ. 7776
07 Civ. 7778	07 Civ. 7779
07 Civ. 7863	07 Civ. 7803
07 Civ. 8208	07 Civ. 8156
07 Civ. 9229	07 Civ. 8830
07 Civ. 9593	07 Civ. 10578
07 Civ. 10954	07 Civ. 10995
07 Civ. 11092	07 Civ. 11305
07 Civ. 11483	07 Civ. 11484
07 Civ. 11485	07 Civ. 11628
08 Civ. 0024	08 Civ. 0116
08 Civ. 0117	08 Civ. 0418
08 Civ. 1111	08 Civ. 0950
08 Civ. 01973	08 Civ. 1938
08 Civ. 01983	08 Civ. 01974
08 Civ. 01985	08 Civ. 01975

02 Civ. 5571 (RJH/HBP)  
ECF CASE

**NOTICE OF MOTION OF DEFENDANTS' MOTION  
FOR PARTIAL SUMMARY JUDGMENT AGAINST INDIVIDUAL  
PLAINTIFFS FOR FAILURE TO ESTABLISH RELIANCE**

PLEASE TAKE NOTICE that, upon the Memorandum of Law, dated August 15, 2008, the Declaration of Douglas J. Dixon, executed on August 15, 2008, and exhibits thereto, the Statement Pursuant to Civil Rule 56.1, and all prior pleadings and proceedings herein, Defendants Vivendi, S.A., Jean-Marie Messier and Guillaume Hannezo hereby move this Court, before Judge Richard J. Holwell, at the Courthouse, 500 Pearl Street, New York, New York, for summary judgment pursuant to Fed. R. Civ. P. 56(b) on all claims brought by Plaintiffs in the above-captioned individual actions under Section 18 of the Securities and Exchange Act of 1934, as well as all claims for common law fraud and negligent misrepresentation, as set forth in more

detail in the accompanying memorandum of law; and granting such other and further relief as the Court deems just and proper.

August 15, 2008.

KING & SPALDING LLP

Michael J. Malone

Paul A. Straus

Lisa Albert

1185 Avenue of the Americas  
New York, NY 10036  
(22) 556-2136  
pstraus@kslaw.com

*Attorneys for Defendant Jean-Marie  
Messier*

CRAVATH, SWAINE & MOORE LLP,

by



Paul C. Saunders

Daniel Slifkin

Michael A. Paskin

Michael T. Reynolds

Timothy G. Cameron

Members of the Firm

Worldwide Plaza  
825 Eighth Avenue  
New York, NY 10019  
(212) 474-1000  
psaunders@cravath.com

*Attorneys for Defendant Vivendi, S.A.*

SCHULTE ROTH & ZABEL LLP

Martin L. Perschetz

Michael E. Schwartz

Einat Philip

919 Third Avenue  
New York, NY 10022  
(212) 756-2247  
martin.perschetz@srz.com

*Attorneys for Defendant Guillaume  
Hannezo*

WEIL GOTSHAL & MANGES LLP

James W. Quinn

Jonathan D. Polkes

Penny P. Reid

767 Fifth Avenue  
New York, NY 10153  
(212) 310-8000  
james.quinn@weil.com

*Attorneys for Defendant Vivendi, S.A.*

TO :

Diane Zilka, Esq.  
Grant & Eisenhofer P.A.  
Chase Manhattan Centre  
1201 North Market Street  
Wilmington, DE 19801

*Attorneys for Individual Plaintiffs in Nos. 07 Civ. 7370, 07 Civ. 7779, 07 Civ. 7778, 07 Civ. 7776, 07 Civ. 7775, 07 Civ. 7803, 07 Civ. 7863, 07 Civ. 8208, 07 Civ. 953, 07 Civ. 11485, 08 Civ. 0024, 08 Civ. 0116, 08 Civ. 0117, 08 Civ. 1938, 08 Civ. 01985*

Anthony J. Harwood, Esq.  
Labaton Sucharow LLP  
140 Broadway  
New York, NY 10005

*Attorneys for Individual Plaintiffs in Nos. 07 Civ. 5742, 07 Civ. 10995, 07 Civ. 11305, 07 Civ. 11483, 07 Civ. 11484, 08 Civ. 0418*

Michael Elsner, Esq.  
Motley Rice LLC  
28 Bridgeside Boulevard  
Mount Pleasant, SC 29464

*Attorneys for Individual Plaintiffs in Nos. 07 Civ. 8830, 07 Civ. 10578, 07 Civ. 10954, 07 Civ. 11628, 08 Civ. 0950, 08 Civ. 1111, 08 Civ. 01983*

Stuart L. Berman, Esq.  
Schiffrin Barroway Topaz & Kessler, LLP  
280 King of Prussia Road  
Radnor, PA 19087

*Attorneys for Individual Plaintiffs in Nos. 07 Civ. 8156, 07 Civ. 9929, 07 Civ. 11092, 08 Civ. 1973, 08 Civ. 1974, 08 Civ. 1975*